

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION**

**EVIE ELIZABETH HOWARD**  
as personal representative of the  
estate of Paul Anthony Smith

**Plaintiff,**

**v.**

**CV 10-PT-2203-M**

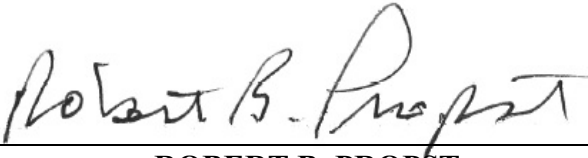
**SOUTHERN HEALTH PARTNERS,  
INC., JEFFREY REASONS;  
KILPATRICK; DEIDRE MALONE;  
MICHELLE WADE; TERRY SURLES;  
TERRY MARCRUM; MYRTIS MOSS;  
JORETHA MITCHELL; CHARLES  
GASTON; JACKIE FORMAN;  
ST. CLAIR COUNTY, ALABAMA;  
PELL CITY, ALABAMA and  
ALFONZO STINSON,**

**Defendants.**

**ORDER**

In accordance with a Memorandum Opinion filed contemporaneously herewith, the motions to dismiss filed by defendants Surles, Marcum, Moss, Gaston, Mitchell, Stinson and Foreman are **DENIED**. While recognizing that these defendants will be entitled to appeal, based on the present denial of their motions based on qualified immunity, the court also concludes, pursuant to 28 U.S.C. § 1292(b) that it is of the opinion that this order involves controlling question(s) of law as to which there is substantial ground for difference of opinion, and that an immediate appeal from this order may materially advance the ultimate termination of this litigation.

**DONE** and ORDERED this the 12<sup>th</sup> day of April, 2011.

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**ROBERT B. PROPST**  
**SENIOR UNITED STATES DISTRICT JUDGE**